THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.788 of 2007

25.1.2007

Between:

Kanneganti Rama Krishna, S/o.Narasimha Rao

… Petitioner

AND

The Secretary to Government of Andhra Pradesh,
Revenue Department, Secretariat, Hyderabad
And others

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.788 of 2007

ORDER:

The petitioner is proprietor of ice factory constructed in land admeasuring Acs.1.06 guntas in survey Nos.1598, 1599-E, 1601-D and 1603 situated at Potupalem village of Gudur Mandal in Nellore District. He occupied an extent of Acs.0.51 in survey No.1602, which is classified as a Government poramboke land. The third respondent initiated action under Land Encroachment Act, 1905 (the Act, for brevity) and issued notice to the petitioner for removing the encroachment. The petitioner submitted explanation and the first respondent passed orders for eviction. Thereafter the petitioner made a representation seeking allotment/ regularization of the land in his possession in accordance with Board Standing Orders (BSO) 26. The representation given by the petitioner to the Hon'ble Minister for Revenue was endorsed to the second respondent on 30.8.2006. As no action is initiated thereon, the present writ petition is filed.

Learned Assistant Government Pleader for Revenue (Assignment) does not dispute that the representation made by the petitioner for regulation of his occupation of Government land is still pending before the second respondent. Therefore, this writ petition is disposed of, observing that the second respondent should consider the same as endorsed by the Hon'ble Minister and send a report to the Government for alienation/ allotment to the petitioner on payment of market value. The District Collector may conduct enquiry and send report within a period of six weeks from the date of receipt of a copy of this order. The petitioner states that he is still in possession of the land, and therefore, the same possession shall continue till then.

The writ petition, with the above observations and directions, is

accordingly disposed of. No costs.

(**V.V.S.RAO,J**)

January 25, 2007.
YS